### Career Break Policy

<table>
<thead>
<tr>
<th>Author:</th>
<th>Head of HR – Employee Relations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Lead Executive Director:</td>
<td>Director of Human Resources</td>
</tr>
<tr>
<td>Endorsing Body:</td>
<td>Human Resources Forum</td>
</tr>
<tr>
<td>Governance or Assurance Committee</td>
<td>Staff Governance Committee</td>
</tr>
<tr>
<td>Implementation Date:</td>
<td>1 April 2016</td>
</tr>
<tr>
<td>Version Number:</td>
<td>2</td>
</tr>
<tr>
<td>Review Date:</td>
<td>December 2021</td>
</tr>
<tr>
<td>Responsible Person</td>
<td>Head of HR – Policy &amp; Governance</td>
</tr>
</tbody>
</table>
CONTENTS

i) Consultation and Distribution Record
ii) Change Record

1. INTRODUCTION

2. AIM, PURPOSE AND OUTCOMES

3. SCOPE
   3.1 Who are the Stakeholders

4. PRINCIPAL CONTENT

5. ROLES AND RESPONSIBILITIES

6. RESOURCE IMPLICATIONS

7. COMMUNICATION PLAN

8. QUALITY IMPROVEMENT – MONITORING AND REVIEW

9. EQUALITY AND DIVERSITY IMPACT ASSESSMENT

10. SUMMARY OF POLICY/FAQs

11. REFERENCES

12. APPENDICES
## CONSULTATION AND DISTRIBUTION RECORD

| Contributing Author / Authors | Ann Marie Campbell – Head of HR – Employee Relations |
| Consultation Process / Stakeholders: | Liz Airns - GMB |
| | Elaine Anderson – HR Manager |
| | Tom Bryce – General Manager |
| | Margo Cranmer – Unison |
| | Sharon Hannah – RCM |
| | Ruth Hibbert – Head of HR – Policy & Governance |
| | Christine Jack – Operational Manager |
| | Cathy McGinty - Unison |
| | Gwen Macintyre – Senior Nurse |
| | Annette Shorts – Senior OH Nurse Advisor |
| | Sylvia Stewart - Unite |
| | Tom Wilson - RCN |
| Distribution: | NHSL Intranet: Firstport |

## CHANGE RECORD

<table>
<thead>
<tr>
<th>Date</th>
<th>Author</th>
<th>Change</th>
<th>Version No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>May `18</td>
<td>Deputy HRD</td>
<td>General Data Protection Regulations statement added into section 3 and updated name of Data Protection Act</td>
<td>2</td>
</tr>
</tbody>
</table>

Uncontrolled when printed
1. **INTRODUCTION**

NHS Lanarkshire is committed to equal opportunities and the promotion of flexible, employee-friendly work practice opportunities for all members of staff. By implementing this Career Break policy NHS Lanarkshire aims to create an environment which will allow all employees to utilise their skills, talents and expertise and thereby allow the organisation to both recruit and retain a well motivated and committed workforce.

A career break is a variation in contract for a specified period of time. The member of staff applying for a career break should understand that, depending on the length of the career break, it may impact on their pension rights. They should check the terms of the pension scheme they are a member of as they will be subject to the rules of the scheme.

2. **AIM, PURPOSE AND OUTCOMES**

The purpose of the Career Break policy is to allow staff an opportunity to leave their employment on a long-term basis (normally between one to five years), mainly to undertake further education or to fulfil domestic commitments. The policy will enable staff to keep up to date during their career break and help them return to work at the end of the break.

The policy is designed for staff who are currently prevented from remaining in full or part time work but who would like to re-start work when circumstances make this possible, e.g. after a course of further education, bringing up children or having cared for a dependent relative.

A career break will not be allowed for the purpose of taking up alternative employment. A career break is special leave without pay for a specified period of time which should not exceed five years.

3. **SCOPE**

The policy applies to all staff irrespective of age, sex, disability, ethnicity/race, marital or civil partnership status, sexual orientation, religion or belief, pregnancy or maternity or gender reassignment.

NHS Lanarkshire takes care to ensure your personal information is only accessible to authorised people. Our staff have a legal and contractual duty to keep personal health information secure, and confidential. In order to find out more about current data protection legislation and how we process your information, please visit the Data Protection Notice on our website at www.nhslanarkshire.scot.nhs.uk or ask a member of staff for a copy of our Data Protection Notice.

3.1 **Who are the Stakeholders**

All directly employed staff of NHS Lanarkshire

4. **PRINCIPAL CONTENT**

Staff must have at least twelve months’ continuous service with NHS Lanarkshire to be eligible to take a career break.
Some examples of where applications could apply are in the context of:

- caring for a dependent relative;
- continuing childcare following a period of maternity leave; or
- undergoing further education and training of benefit to NHS Lanarkshire.

Each application will be considered by the line manager on the merits of the individual case and, where possible, a decision made within 10 working days following receipt of an application. Full details should be provided in writing to the employee if an application has been rejected or delayed, clearly explaining the reasons for doing so.

An appeal against a decision can be raised through NHS Lanarkshire’s Resolution of Disputes & Grievances (Employee Dissatisfaction) Policy.

Duration of a Career Break

The minimum period is normally one year and the maximum period is five years. A member of staff may, however, take a number of breaks throughout their employment provided that the total periods of absence do not exceed five years. A new application must be made for each break requested.

Application Procedure

Employees who wish to apply for the scheme shall discuss the matter initially with their line manager.

Applications should then be made on the application form (Appendix 1). Applications should be made at least three months prior to commencement of the proposed break, though in exceptional circumstances, this may be waived by the line manager.

Employee Commitment

Employees are expected to fulfil certain requirements while on a career break. The purpose of this is to maintain their skills, knowledge and expertise to enable a smooth transition back to work. In particular employees are required to make themselves available, as deemed necessary, to undertake a minimum of two weeks’ paid employment per annum, as agreed with the line manager. This may include:

- attending any seminars or meetings to which the employee is invited by the organisation;
- maintaining their professional membership or state registration where this is required for employment purposes;
- keeping knowledge updated by reading relevant professional journals and attending professional meetings, journal clubs etc; and
- attending a minimum number of training sessions, as agreed with the line manager to update and refresh knowledge and skills.

Staff who participate in the scheme will be obliged to advise the line manager of any change in circumstances, e.g. change of home address.
Career Break Policy

Employees will notify their line manager of their intention to continue the career break at least three months prior to the end of each year.

Staff will be asked to make an annual commitment to the scheme and its terms and conditions. The line manager will write to the individual at the end of the year requiring them to confirm in writing their commitment to the scheme.

Management Commitment

NHS Lanarkshire will guarantee to provide career break participants with at least 10 days paid employment per year (pro rata for shorter breaks) in order to keep abreast with changes and developments in the service. This may include training courses and professional updating. Some employees will be required to undertake specific training in order to maintain their professional registration.

The employer and employee will agree at the outset of any career break an appropriate level and method of maintaining communication with a view to ensuring that the individual is kept informed as to any relevant factors relating to the workplace.

Return to work

Three months notice of an intention to return to work must be given to the line manager concerned.

If, prior to the commencement of a career break, an employee works in a part-time / job share arrangement, every effort will be made to allow the employee to return on that basis. However, there is no guarantee that this will always be possible.

While no guarantee of return to a particular post can be given, every effort will be made to place individuals in posts of the same grade and similar responsibility to that held prior to the break. We will take into account the employee’s experience, achievements and qualifications. Staff will be treated in accordance with NHS Lanarkshire’s redeployment policy.

To ease the transition back to work the employee may be allowed to work on a part-time basis for up to three months before returning to full time duties. The employee will receive pay for the actual hours worked. This must be discussed and agreed with the line manager at the time of notifying the employee’s wish to return to work.

General Terms and Conditions of Service

A period of absence on a career break shall not be regarded as a break in service, although the break will not itself count as reckonable service.

Periods of paid employment during the break will count as reckonable service.

As an employee has continuous employment whilst on a career break, any entitlements accrued prior to the break will not be lost.
The employee is expected to return to work for a minimum of twelve months at the end of the career break.

**Superannuation – Authorised breaks**

The NHS Scheme provides members of both the 1995 and 2008 sections (excluding locum practitioners) who are on an authorised break (including a career break), to choose to continue to pay contributions towards membership for a limited period. This is provided that their contract of employment is retained.

Members who choose to continue to pay contributions to the scheme can do so for a period of six months. During this period, contributions also remain payable by the employer. The member can choose to extend the period for a further eighteen months. However, if this option is taken, the member would be responsible for payment of both employee and employer contributions. Please note that contributions must be paid for the first six months to allow the member the option to extend for a further eighteen months if required.

Contributions should be submitted by employers in the same way each month as for all other active members. These should not be paid as arrears on return to work. The employer should make arrangements with the member before the leave begins, to collect the contributions due and pay promptly to Scottish Public Pensions Agency (SPPA). It is not compulsory for a member to continue to pay contributions during an authorised break.

If a member chooses not to continue with their membership of the scheme, employers must submit leaver information to SPPA in the normal way.

Members of the scheme should check their positions with SPPA in respect of pension before embarking on a career break. This is advisable as changes to the scheme may affect which scheme of section of the scheme the member is able to join on return to employment if there has been a break in payment of contributions. Those who hold “Special Class” or “MHO” status should especially check whether this can be retained. A new Scheme is being introduced in 1 April 2015. However, members who were within 10 years of their scheme pension age as at 1 April 2012 and have less than a five-year break in pensionable employment will retain a right to re-join their original section of the scheme. Full details of the changes are published in the SPPA website at [www.sppa.gov.uk](http://www.sppa.gov.uk).

It should be noted however that under the scheme rules death lump sum payments are based on the best last 365 days **actual** pensionable pay in the three years prior to death. Members may wish to bear this in mind when agreeing a period for a career break.

**Added years**

Added year contributions should be collected in respect of the ten days paid employment only and a proportionate credit will be given on that basis.

**Lease Cars**

A member of staff who is provided with a lease car will normally be required to return the car to the Car Leasing Department for the period of their career break. There may be a
Career Break Policy

financial penalty if the estimated business mileage is not undertaken and if the car is returned prior to the end of the lease.

The full leasing cost of the vehicle will be borne by the employee if it is retained during the career break. Employees must discuss the matter with a member of the Car Leasing Department prior to embarking upon a career break so that they fully understand the financial implications relating to the lease.

Organisational Change

NHS Lanarkshire’s Organisational Change Policy will apply equally to employees on a career break.

Sick Leave

Employees on a career break are not entitled to receive sick pay. If the employee is sick during the ten days paid employment which they may undertake each year, then the employee will have the following options:

- The employee can choose to rearrange their ten days of paid employment or;
- The employee can choose to give up their right to work ten paid days

Annual Leave

Employees on a career break will only accrue annual leave for any paid employment (complete months) carried out for the organisation during their career break.

Maternity, Parental and Paternity provisions

As there is no contract of employment in place for the duration of a career break, there is no entitlement to the normal NHS maternity, parental or paternity leave provisions.

A member of staff who discovers that she is pregnant during the course of her career break should seek advice from the Human Resources Department at the earliest opportunity to ensure that she receives appropriate statutory or other maternity allowance. Entitlement to statutory maternity pay or allowance is dependent on length of service and earnings in the qualifying week. Forms are available from Payroll to assess entitlement to statutory maternity pay or other allowances.

5. ROLES AND RESPONSIBILITIES

Employees must

- Ensure they are familiar with the policy and procedures
- Comply with the policy
- Attend training as necessary

Employees are required to have fully considered the implications and potential loss of any contractual or pension rights before committing to a career break. Employees are also expected to fulfil the following requirements whilst on a career break:
Career Break Policy

- Maintain any professional membership or state registration where this is required for employment purposes. It is the responsibility of the employee to ensure they maintain practice to the relevant regulatory standard required to continue practice;
- Keep their knowledge updated by reading relevant professional journals and attend professional meetings, journal clubs, etc;
- Any other additional measures agreed with their Line Manager at the outset of the career break with a view to maintaining/updating/refreshing their knowledge and skills.

Employees who participate in the scheme are obliged to ensure that they keep their manager fully apprised of any changes in their circumstances, including any change of home address or telephone number.

Managers must
- Ensure they communicate with staff about the policy
- Consistently implement the policy at their local level
- Keep accurate records

Staff Side Representatives must
- Support the principles and procedures in the policy
- Act in accordance with NHS Lanarkshire’s Partnership Agreement
- Undertake training as appropriate

Human Resources Staff must
- Provide awareness training as appropriate
- Provide expert advice and support on the application of the policy
- Monitor and review the policy

6. RESOURCE IMPLICATIONS

Ten days skills update, if post backfilled.

7. COMMUNICATION PLAN

This policy will be launched using the weekly staff briefing and it will be available on Firstport.

This policy will also be discussed at the appropriate management team meetings and local partnership fora.

8. QUALITY IMPROVEMENT – Monitoring and Review

This policy will be reviewed every 3 years by the Joint Policy Forum

9. EQUALITY AND DIVERSITY IMPACT ASSESSMENT

This policy meets NHS Lanarkshire’s EDIA

(tick box)
Career Break Policy

10. **SUMMARY OF POLICY/FAQs**
Career breaks are unpaid, normally between one to five years and are normally undertaken to fulfil domestic commitments or further education. Staff must have at least twelve months service with NHS Lanarkshire in order to be eligible. Members of the SPPA pension scheme must check the implications of taking an unpaid career break for their pension with the SPPA.

11. **REFERENCES**
- Work/life Balance Partnership Information Network (PIN) policy
- Scottish Government SPPA
- General Data Protection Regulations 2018

12. **APPENDICES**
- Appendix 1 – Application for a Career Break
NHS LANARKSHIRE

CAREER BREAK POLICY

APPLICATION FOR A CAREER BREAK - YEAR 1

(To be completed by the applicant in consultation with their line manager)

Full Name: ______________________________________________________

Pay No: _______________________________________________________

Post Held: ______________________________________________________

Location: ______________________________________________________

Ward/Department: ______________________________________________

Home Address: _________________________________________________

________________________________________________________________

________________________________________________________________

Home Telephone: _______________________________________________

Reason(s) for career break: ______________________________________

________________________________________________________________

________________________________________________________________

Date Commenced Employment within NHSL: _________________________

Start Date of Career Break: _______________________________________

Proposed Return Date: ___________________________________________
Employee

I wish to apply for an extended period of _______________ unpaid leave under the Career Break Policy. I understand continued acceptance of the policy may require me to undertake ten days paid work with NHS Lanarkshire each year and that I must not carry out any other substantive employment during the Career Break. I accept and will abide by the conditions of the Career Break Policy and undertake to return to work for a minimum of twelve months at the end of the career break. I understand that a failure to comply with the terms and conditions of the career break may result in termination of employment.

Signed: ___________________________ Date: __________________

Line Manager

Application Approved 

I support this application. I will ensure appropriate arrangements are made to maintain contact with the applicant including arrangements for temporary work, training and general information for the duration of the career break.

Signed: ___________________________ Date: __________________
Print Name: ______________________ Job Title: ___________________________

Application Rejected 

Reasons for Rejection of Career Break Request

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Signed: ___________________________ Date: __________________
Print Name: ______________________
Job title: ___________________________